

EXHIBIT "A"

IN THE STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA

JEANIE SEIDE, Individually, and as Parent
and Natural Guardian of JAZMENE HOSKINS,
ZARIYA MASSENAT, and
EXZAVIER SEIDE, Minors,

Plaintiffs,

v.

SOUTHERN CLASSIC LLC,
GREGORY BURNHAM, and
NATIONAL CASUALTY COMPANY,

Defendants.

CIVIL ACTION

21A01732

FILE NO. _____

JURY TRIAL DEMANDED

COMPLAINT FOR DAMAGES

COME NOW JEANIE SEIDE, Individually, and as Parent and Natural Guardian of
JAZMENE HOSKINS, ZARIYA MASSENAT, and EXZAVIER SEIDE, Minors, ("Plaintiffs"), by
and through their counsel of record, and files this their Complaint for Damages, showing this
Honorable Court as follows:

1.

This is an action for personal injury damages arising out of a motor vehicle collision that
occurred on September 19, 2019, in DeKalb County, Georgia.

PARTIES, JURISDICTION, AND VENUE

2.

Plaintiffs sustained personal injuries as a result of a motor vehicle collision that occurred
at approximately 8:30 am on September 19, 2019, in DeKalb County, Georgia.

3.

Plaintiffs are residents of DeKalb County, Georgia.

4.

Defendant Gregory Burnham ("Burnham") resides at 38 Hicks Road, Trafford, Blount County, Alabama 35172, and may be served with a copy of the Summons and Complaint at this address.

5.

Burnham is subject to the jurisdiction of this Court pursuant to O.C.G.A. § 40-12-1, known as Georgia's Non-resident Motorist Act. Burnham is also subject to jurisdiction of this Court pursuant to the Georgia Long-Arm statute, O.C.G.A. § 9-10-94, as Burnham committed a tortious act within the State of Georgia.

6.

Once served with process, Burnham is subject to the jurisdiction and venue of this Court.

7.

Burnham was properly served with process in this civil action.

8.

Burnham was sufficiently served with process in this civil action.

9.

Burnham is subject to the jurisdiction of this Court.

10.

Defendant Southern Classic LLC ("Southern Classic") is a foreign corporation with its principal place of business in a state other than Georgia and is authorized to transact business in the state of Georgia.

11.

Southern Classic is subject to the jurisdiction of this Court, pursuant to O.C.G.A. § 40-1-117(b), because this action may be brought in the county where the cause of action or some part thereof arose.

12.

Southern Classic may be served with the Complaint and Summons on its registered agent: Cody B. Gillies at 5704 Veterans Parkway, Columbus, Muscogee County, Georgia, 31904.

13.

Once served with process, Southern Classic is subject to the jurisdiction and venue of this Court.

14.

Southern Classic was properly served with process in this civil action.

15.

Southern Classic was sufficiently served with process in this civil action.

16.

Southern Classic is subject to the jurisdiction of this Court.

17.

Defendant National Casualty Company ("National Casualty") is a foreign corporation with its principal place of business in a state other than Georgia, and is authorized to transact business in the state of Georgia.

18.

At the time of the Subject Complaint, Southern Classic had automobile liability coverage for any damages that were caused through the negligent operation of the commercial motor vehicle that Burnham was operating at the time of the Subject Collision.

19.

The liability coverage for the collision described in this Complaint is being provided to Southern Classic through a policy of insurance issued by National Casualty and further identified as Policy Number LFO0002326, which provides coverage to Southern Classic for any damages,

including bodily injury, that were caused through the negligent operation of the commercial motor vehicle that Burnham was operating at the time of the Subject Collision.

20.

National Casualty is subject to the jurisdiction of this Court, pursuant to O.C.G.A. §§ 40-1-112 and/or 40-2-140, because National Casualty was the insurer providing liability coverage for the Defendant motor carrier Southern Classic at the time of the collision described in this Complaint.

21.

National Casualty may be served with the Summons and Complaint upon its registered agent: Corporation Service Company at 2 Sun Court, Suite 400, Peachtree Corners, Gwinnett County, Georgia 30092.

22.

Once served with process as described in this paragraph, National Casualty is subject to the jurisdiction and venue of this Court.

23.

National Casualty maintains agents in Dekalb County.

24.

Venue in the above-styled civil action is proper in this County and Court.

FACTS

25.

Plaintiffs re-allege and incorporate the preceding paragraphs as if fully set forth herein.

26.

On or about September 19, 2019, at approximately 8:30 am, Burnham was operating a red 1995 Peterbilt tractor-trailer under the federal motor carrier authority and in the course and scope of his employment with Southern Classic, Inc. in lane two, directly to the right of Plaintiff

Seide's vehicle, heading east on the I-20 exit ramp at its intersection with Lithonia Industrial Boulevard in DeKalb County, Georgia.

27.

On or about September 19, 2019, at approximately 8:30 am, Plaintiff Jeanie Seide was operating a silver 2008 Toyota Van Deluxe in lane one heading east on the I-20 exit ramp at its intersection with Lithonia Industrial Boulevard, directly to the left of the Southern Classic tractor-trailer operated by Burnham.

28.

On or about September 19, 2019, at approximately 8:30 am, Defendant Burnham, while making a left turn onto Lithonia Boulevard from the I-20 exit ramp, crossed into the lane occupied by Plaintiff Jeanie Seide and struck Plaintiff Jeanie Seide's vehicle, in which Plaintiff Jeanie Seide's minor children Jazmene Hoskins, Zariya Massenat, and Exzavier Seide were passengers.

29.

Plaintiff Jeanie Seide attempted to avoid colliding with the driver's side of the Southern Classic tractor-trailer but was unable to do so.

30.

Burnham slammed the Southern Classic tractor-trailer into the passenger side of Plaintiff Jeanie Seide's vehicle, causing Plaintiffs to suffer injuries.

31.

At all times related to the Subject Collision, Plaintiffs were acting in a reasonable and prudent manner.

32.

Defendants do not blame Plaintiffs for causing or contributing to the cause of the Subject Collision.

33.

Defendants are 100% at fault for causing the Subject Collision.

34.

No act or failure to act on the part of the Plaintiffs caused or contributed to the cause of the Subject Collision.

35.

No act or failure to act on the part of any third party caused or contributed to the cause of the Subject Collision.

36.

No act or failure to act on the part of the Plaintiffs caused or contributed to the cause of Plaintiffs' claimed injuries.

37.

No act or failure to act on the part of any third party caused or contributed to the cause of Plaintiffs' claimed injuries.

38.

Defendants agree that they should fairly compensate Plaintiffs for all injuries and damages that were caused by the Subject Collision.

39.

As a result of the collision, Plaintiffs suffered serious and permanent injuries and damages.

COUNT I: DIRECT ACTION AGAINST NATIONAL CASUALTY COMPANY

40.

Plaintiffs re-allege and incorporate the preceding paragraphs as if fully set forth herein.

41.

National Casualty provided liability insurance for the driver and/or truck that was involved in the subject motor vehicle collision.

42.

National Casualty agreed to provide insurance coverage to Southern Classic in consideration for the payment of insurance premiums.

43.

National Casualty was transacting business in the State of Georgia and in Dekalb County, Georgia on the date of the subject incident, and at all material times hereto, and is subject to the venue of this Court pursuant to O.C.G.A. § 33-4-1.

44.

Plaintiffs, as members of the public injured due to a common carrier's negligence, are third-party beneficiaries to that agreement.

COUNT II: NEGLIGENCE OF SOUTHERN CLASSIC LLC

Plaintiffs re-allege and incorporate the preceding paragraphs as if fully set forth herein.

45.

At all times material hereto, Burnham was an employee of Southern Classic.

46.

At all times material hereto, Burnham was acting within the scope and course of his employment with Southern Classic.

47.

At all times material hereto, Burnham was a statutory employee of Southern Classic under the federal motor carrier safety regulations and otherwise driving under the federal motor carrier and DOT authority of Southern Classic.

48.

At all times material hereto, Burnham was acting within the scope and course of his agency with Southern Classic.

49.

At all times material hereto, Burnham was authorized by Southern Classic to operate the tractor-trailer that was involved in the collision described in this Complaint.

50.

Southern Classic is liable for the negligent actions and omissions of Burnham pursuant to the doctrine of *respondeat superior* and as the statutory employer of Burnham under 49 C.F.R. § 390.5.

51.

Southern Classic was the owner of the vehicle operated by Burnham and is therefore liable for damages caused in this case.

52.

Southern Classic was also itself negligent in the following ways:

- a. Negligently hiring or contracting with Defendant Gregory Burnham to drive the vehicle at issue;
- b. Negligently training Defendant Gregory Burnham;
- c. Negligently entrusting Defendant Gregory Burnham to drive the vehicle professionally;
- d. Negligently retaining Defendant Gregory Burnham to drive the vehicle at issue;
- e. Negligently qualifying Defendant Gregory Burnham;
- f. Failing to supervise Defendant Gregory Burnham; and
- g. Otherwise failing to act as a reasonably prudent company under the circumstances.

53.

As a direct and proximate result of the negligence of Defendants Gregory Burnham and Southern Classic LLC in the ensuing collision, Plaintiffs sustained severe and permanent injuries.

54.

Southern Classic is liable for all damages allowed by law for the injuries, damages, and losses sustained by Plaintiffs.

COUNT III: NEGLIGENCE OF DEFENDANT GREGORY BURNHAM

55.

Plaintiffs re-allege and incorporate the preceding paragraphs as if fully set forth herein.

56.

At all relevant times, Burnham owed the following civil duties to Plaintiffs but violated those duties in the following ways:

- a. Failing to maintain proper control of his vehicle;
- b. Failing to activate his turn signal;
- c. Failure to maintain his lane of travel;
- d. Failing to keep a proper lookout for traffic;
- e. Failing to make reasonable and proper observations while driving;
- f. Failing to timely apply the brakes of his vehicle in order to avoid the collision in question;
- g. Failing to keep an assured safe distance from Plaintiff's vehicle;
- h. Failing to drive at a reasonable and prudent speed under the conditions;
- i. Failing to obey traffic laws;
- j. Operating a cellular mobile device while driving; and
- k. Otherwise failing to act reasonably and prudently as a driver should under the circumstances.

57.

Burnham was also negligent *per se* in that he violated a number of laws and regulations governing his operation of a vehicle, including:

- a. Entering or Crossing Roadway (O.C.G.A. § 40-6-73);

- b. Turning Movements; Signals Required on Turning, Changing Lanes, Slowing, or Stopping (O.C.G.A. §40-6-123);
- c. Driving on Roadways Laned for Traffic (O.C.G.A. § 40-6-48);
- d. Failing to Drive with Due Care (O.C.G.A. § 40-6-241);
- e. Failure to Drive Vehicle at a Reasonable and Prudent Speed Under the Conditions (O.C.G.A. § 40-6-180);
- f. Failing to Obey Traffic Laws (O.C.G.A. § 40-6-1); and
- g. Reckless Driving (O.C.G.A. § 40-6-390).

58.

As a result of Burnham's negligence, Plaintiffs suffered severe and permanent injuries.

59.

As a direct and proximate result of the negligence and negligence per se of Burnham, Plaintiffs have incurred and are entitled to recover special damages, including, but not limited to, past and future medical expenses and past and future lost income, and other miscellaneous expenses, in an amount that will be proved at trial. Plaintiffs are also entitled to recover for their general damages, including past and future pain and suffering and related damages.

COUNT IV: COMBINED AND CONCURRING NEGLIGENCE

60.

Plaintiffs re-allege and incorporate the preceding paragraphs as if fully set forth herein.

61.

Defendants Burnham and Southern Classic acted in a manner which either alone, and/or combined and concurring with the actions of the other's acts of negligence described herein, directly and proximately caused the collision and Plaintiffs' injuries.

62.

As a direct and proximate result of the negligence of the Defendants Burnham and Southern Classic, Plaintiffs were physically injured, have suffered, and will continue to suffer pain, disability, loss of earning capacity, loss of enjoyment of life, anxiety, and related damages.

63.

As a direct and proximate result of the breaches of duty by Defendants Burnham and Defendants, Plaintiffs are entitled to recover fair and full compensation for all injuries and damages that have been suffered as a proximate result of the collision and that will be suffered in the future as a result of the collision, including, without limitation, all special damages and compensatory damages, medical expenses, lost wages, and other necessary expenses, as well as fair and full compensation for all pain and suffering, including physical pain, mental and emotional suffering, shock of impact, disability, worry, anxiety, loss of enjoyment of life, loss of capacity to work, and other categories of damages provided for under the law.

WHEREFORE, Plaintiffs pray that the following relief be granted:

- a. A trial by jury;
- b. For Summons and Complaint to issue against each Defendant;
- c. For judgment against each Defendant to compensate Plaintiffs for their past and future injuries and damages;
- d. For judgment against each Defendant for attorneys' fees and expenses of litigation;
- e. For judgment against each Defendant for punitive damages as shown to be fair and appropriate at the trial of this case;
- f. Court costs, discretionary costs, and prejudgment interest; and
- g. For all such further and general relief which this Court deems just and proper.

Dated this 8th day of April, 2021.

WITHERITE LAW GROUP, LLC

/s/ J. Martin Futrell

J. MARTIN FUTRELL

GEORGIA STATE BAR NUMBER 450872

ATTORNEY FOR PLAINTIFFS

600 WEST PEACHTREE STREET, NW, SUITE 740

ATLANTA, GA 30308

TELEPHONE: 470-881-8806

FACSIMILE: 470-880-5095

E-MAIL: MARTIN.FUTRELL@WITHERITELAW.COM

STATE COURT OF
DEKALB COUNTY, GA.
4/8/2021 12:35 PM
E-FILED
BY: Siana Smith

General Civil and Domestic Relations Case Filing Information Form

☐ Superior or ☒ State Court of DeKalb County

For Clerk Use Only 4/8/2021

21A01732

Date Filed _____
MM-DD-YYYY

Case Number _____

Plaintiff(s)

Seide, Jeanie, Individually, and as Parent and Natural
Guardian of Jazmene Hoskins, Zariya Massenat.Last First Middle I. Suffix Prefix
and Exzavier Chance Seide, Minors

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Plaintiff's Attorney J. Martin Futrell

Defendant(s)

Southern Classic LLC

Last First Middle I. Suffix Prefix
Burnham, Gregory

Last First Middle I. Suffix Prefix

National Casualty Company

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Bar Number 450872 Self-Represented ☐

Check One Case Type in One Box

General Civil Cases

- ☒ Automobile Tort
- ☐ Civil Appeal
- ☐ Contract
- ☐ Garnishment
- ☐ General Tort
- ☐ Habeas Corpus
- ☐ Injunction/Mandamus/Other Writ
- ☐ Landlord/Tenant
- ☐ Medical Malpractice Tort
- ☐ Product Liability Tort
- ☐ Real Property
- ☐ Restraining Petition
- ☐ Other General Civil

Domestic Relations Cases

- ☐ Adoption
- ☐ Dissolution/Divorce/Separate Maintenance
- ☐ Family Violence Petition
- ☐ Paternity/Legitimation
- ☐ Support – IV-D
- ☐ Support – Private (non-IV-D)
- ☐ Other Domestic Relations

Post-Judgment – Check One Case Type

- ☐ Contempt
- ☐ Non-payment of child support, medical support, or alimony
- ☐ Modification
- ☐ Other/Administrative

- ☐ Check if the action is related to another action(s) pending or previously pending in this court involving some or all of the same parties, subject matter, or factual issues. If so, provide a case number for each.

Case Number _____

Case Number _____

- ☒ I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in O.C.G.A. § 9-11-7.1.

- ☐ Is an interpreter needed in this case? If so, provide the language(s) required. _____
Language(s) Required

- ☐ Do you or your client need any disability accommodations? If so, please describe the accommodation request.

No. 21A01732**STATE COURT OF DEKALB COUNTY
GEORGIA, DEKALB COUNTY****Date Summons Issued and E-Filed**4/8/2021**SUMMONS**Siana Smith

Deputy Clerk

Deposit Paid \$ _____

Jeanie Seide, Individually, and as Parent and Natural Guardian of
Jazmene Hoslins, Zariya Massenat, and Exzavier Seide, Minors
c/o Witherite Law Group, LLC600 West Peachtree Street, NW
Suite 740, Atlanta, GA 30308

Plaintiff's name and address

✓ JURY**vs.**Gregory Burnham38 Hicks Road, Trafford, AL 35172

Defendant's name and address

TO THE ABOVE-NAMED DEFENDANT:

You are hereby summoned and required to file with the Clerk of State Court, Suite 230, 2nd Floor, Administrative Tower, DeKalb County Courthouse, 556 N. McDonough Street, Decatur, Georgia 30030 and serve upon the plaintiff's attorney, to wit:

J. Martin Futrell

Name

600 West Peachtree Street, NW, Suite 740, Atlanta, GA 30308

Address

(470) 881-8806

Phone Number

450872

Georgia Bar No.

an **ANSWER** to the complaint which is herewith served upon you, within thirty (30) days after service upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. The answer or other responsive pleading can be filed via electronic filing through eFileGA via www.eFileGA.com or, if desired, at the e-filing public access terminal in the Clerk's Office at 556 N. McDonough Street, Decatur, Georgia 30030

Defendant's AttorneyThird Party AttorneyAddressAddressPhone No.Georgia Bar No.Phone No.Georgia Bar No.**TYPE OF SUIT**

- ☒ Personal Injury ☐ Products Liability
☐ Contract ☐ Medical Malpractice
☐ Legal Malpractice ☐ Product Liability
☐ Other

Principal \$ _____

Interest \$ _____

Atty Fees \$ _____

Access to the e-filing site and the rules is available at www.dekalbstatecourt.net**To indicate consent to e-service check the box below.**

☒ (Plaintiff consents to e-service pursuant to OCGA 9-11-5 (f). The email address for service appears in the complaint.

E-file summons1-2016

**STATE COURT OF
DEKALB COUNTY, GA.
4/8/2021 12:35 PM
E-FILED
BY: Siana Smith**

21A01732

No. _____

**STATE COURT OF DEKALB COUNTY
GEORGIA, DEKALB COUNTY****Date Summons Issued and E-Filed**
4/8/2021**SUMMONS**_____
Siana Smith

Deputy Clerk

Deposit Paid \$ _____

Jeanie Seide, Individually, and as Parent and Natural Guardian of
Jazmene Hoslins, Zariya Massenat, and Exzavier Seide, Minors
c/o Witherite Law Group, LLC_____
600 West Peachtree Street, NW
Suite 740, Atlanta, GA 30308

Plaintiff's name and address

NO JURY**vs.**_____
Southern Classic LLC c/o Registered Agent Cody B. Gillies_____
5704 Veterans Parkway, Columbus, GA 31904

Defendant's name and address

TO THE ABOVE-NAMED DEFENDANT:You are hereby summoned and required to file with the Clerk of State Court, Suite 230, 2nd Floor, Administrative Tower, DeKalb County Courthouse, 556 N. McDonough Street, Decatur, Georgia 30030 and serve upon the plaintiff's attorney, to wit:

J. Martin Futrell

Name

600 West Peachtree Street, NW, Suite 740, Atlanta, GA 30308

Address

(470) 881-8806

450872

Phone Number

Georgia Bar No.

an **ANSWER** to the complaint which is herewith served upon you, within thirty (30) days after service upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. The answer or other responsive pleading can be filed via electronic filing through eFileGA via www.eFileGA.com or, if desired, at the e-filing public access terminal in the Clerk's Office at 556 N. McDonough Street, Decatur, Georgia 30030_____
Defendant's Attorney_____
Third Party Attorney_____
Address_____
Address_____
Phone No._____
Georgia Bar No._____
Phone No._____
Georgia Bar No.**TYPE OF SUIT**

- ☒
- Personal Injury
- ☐
- Products Liability
-
- ☐
- Contract
- ☐
- Medical Malpractice
-
- ☐
- Legal Malpractice
- ☐
- Product Liability
-
- ☐
- Other

Principal \$ _____

Interest \$ _____

Atty Fees \$ _____

Access to the e-filing site and the rules is available at www.dekalbstatecourt.net**To indicate consent to e-service check the box below.**☒ (Plaintiff consents to e-service pursuant to OCGA 9-11-5 (f). The email address for service appears in the complaint.

E-file summons1-2016

STATE COURT OF
DEKALB COUNTY, GA.
4/8/2021 12:35 PM
E-FILED
BY: Siana Smith

AFFIDAVIT OF SERVICE

Case: 21A01732	Court: DeKalb County State Court, State of Georgia	County: DeKalb, GA	Job: 5551755
Plaintiff / Petitioner: Jeanie Seide, Individually, And As Parent And Natural Guardian Of Jazmene Hoskins, Zariya Massenat, And Exzavier Seide, Minors		Defendant / Respondent: Southern Classic LLC, Gregory Burnham, And National Casualty Company	
Received by: Chilton Gibbs and Associates, LLC		For: Witherite Law Group, LLC	
To be served upon: National Casualty Company c/o Corporation Service Company, Registered Agent			

I, Thomas David Gibbs III, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein

Recipient Name / Address: Alisha Smith, Corporation Service Company: 2 Sun Ct Suite 400, Peachtree Corners, GA 30092-2801

Manner of Service: Registered Agent, Apr 12, 2021, 1:16 pm EDT

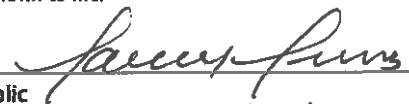
Documents: Summons, Complaint For Damages(Received Apr 9, 2021 at 10:41am EDT)

Additional Comments:

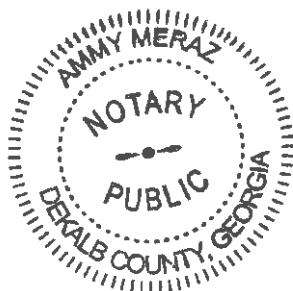
1) Successful Attempt: Apr 12, 2021, 1:16 pm EDT at Corporation Service Company: 2 Sun Ct Suite 400, Peachtree Corners, GA 30092-2801 received by Alisha Smith.
CSC Coordinator


Thomas David Gibbs III
Date 4/15/21

Subscribed and sworn to before me by the affiant who is personally known to me.


Notary Public
Date 4/15/21 Commission Expires 12/27/2024

Chilton Gibbs and Associates, LLC
723 Main Street
Stone Mountain, GA 30083
404-368-3049



IN THE STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA

RE: Permanent Process Servers


STANDING ORDER

Pursuant to O.C.G.A. § 9-11-4 (c), this Court provides herein that any person who has completed the application process for appointment as a permanent process server in the Superior Court of DeKalb County for 2021, and has been appointed as a permanent process server in said Court for 2021, shall be deemed to be appointed as a permanent process server in the State Court of DeKalb County. Permanent process servers wishing to rely upon this order shall be required to attach a copy of their Superior Court order of appointment to any affidavit of service that is required to be filed with the Court. All appointments arising pursuant to this order shall be effective until midnight, December 31, 2021.

SO ORDERED, this 8 of December 2020.



Wayne M. Purdom, Chief Judge
State Court of DeKalb County

FILED IN THIS OFFICE
THIS 8th DAY OF December 2020


Clerk, State Court, DeKalb County

FILED 12/31/2020 8:27 PM Clerk of Superior Court DeKalb County

**IN THE SUPERIOR COURT OF DEKALB COUNTY
STATE OF GEORGIA**

IN RE:

MOTION FOR APPOINTMENT AS
PERMANENT PROCESS SERVER

: CIVIL ACTION FILE NUMBER:
:
:
:

20MAR 1293

PURSUANT TO O.C.G.A. §9-11-4(c)

**AMENDED ORDER APPOINTING PERMANENT PROCESS SERVER
FOR CALENDAR YEAR 2021**

The foregoing motion having been read and considered, it is HEREBY ORDERED that the following individual(s) is/are appointed as a permanent process server pursuant to O.C.G.A. §9-11-4(c):

THOMAS D GIBBS III


ERICKA D MCMILLON

ROCHELLE EARTHRISSE

FRANK A LOADHOLT III

This appointment shall be effective until midnight December 31, 2021.

IT IS SO ORDERED this 17th of December 2020.



Honorable Asha F. Jackson
Chief and Administrative Judge
Superior Court of DeKalb County
Stone Mountain Judicial Circuit

AFFIDAVIT OF SERVICE

Case: 21A01732	Court: DeKalb County State Court, State of Georgia	County: DeKalb, GA	Job: 5551755
Plaintiff / Petitioner: Jeanie Seide, Individually, And As Parent And Natural Guardian Of Jazmene Hoskins, Zariya Massenat, And Exzavier Seide, Minors		Defendant / Respondent: Southern Classic LLC, Gregory Burnham, And National Casualty Company	
Received by: Chilton Gibbs and Associates, LLC		For: Witherite Law Group, LLC	
To be served upon: Southern Classic LLC c/o Cody Gillies, registered agent			

I, Thomas David Gibbs III, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein


Recipient Name / Address: Coby B. Gillies, Registered Agent, 5704 Veterans Pkwy, Columbus, GA 31904-9004

Manner of Service: Registered Agent, Apr 13, 2021, 12:50 pm EDT

Documents: Summons, Complaint For Damages, Plaintiffs' First Interrogatories, First Request For Production Of Documents, And First Request For Admissions To Defendant Gregory Burnham, Plaintiffs' First Interrogatories, First Request For Production Of Documents, And First Request For Admissions To Defendant Southern Classic LLC (Received Apr 9, 2021 at 10:41am EDT)

Additional Comments:

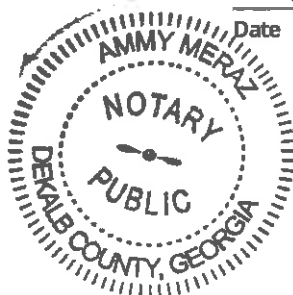
1) Successful Attempt: Apr 13, 2021, 12:50 pm EDT at 5704 Veterans Pkwy, Columbus, GA 31904-9004 received by Coby B. Gillies, Registered Agent. Age: 40-45; Ethnicity: Caucasian; Gender: Male; Weight: 205; Height: 6'1"; Hair: Bald;


 Thomas David Gibbs III
 Date 4/15/21

Subscribed and sworn to before me by the affiant who is personally known to me.


 Notary Public
 Date 4/15/21 Commission Expires 12/27/2024

Chilton Gibbs and Associates, LLC
 723 Main Street
 Stone Mountain, GA 30083
 404-368-3049



IN THE STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA


RE: Permanent Process Servers

STANDING ORDER

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SO ORDERED, this 8 of December 2020.


Wayne M. Purdom, Chief Judge
State Court of DeKalb County

FILED IN THIS OFFICE
THIS 8th DAY OF December 20 20

Arlene N. Smith
Clerk, State Court, DeKalb County

FILED 12/31/2020 8:27 PM Clerk of Superior Court DeKalb County

**IN THE SUPERIOR COURT OF DEKALB COUNTY
STATE OF GEORGIA**

IN RE:

MOTION FOR APPOINTMENT AS
PERMANENT PROCESS SERVER

: CIVIL ACTION FILE NUMBER:

:
:
:
:

20MAR 1293

PURSUANT TO O.C.G.A. §9-11-4(c)

**AMENDED ORDER APPOINTING PERMANENT PROCESS SERVER
FOR CALENDAR YEAR 2021**

The foregoing motion having been read and considered, it is HEREBY ORDERED that the following individual(s) is/are appointed as a permanent process server pursuant to O.C.G.A. §9-11-4(c):

THOMAS D GIBBS III

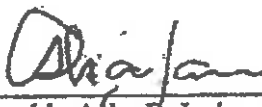
ERICKA D MCMILLON

ROCHELLE EARTHRISE

FRANK A LOADHOLT III

This appointment shall be effective until midnight December 31, 2021.

IT IS SO ORDERED this 17th of December 2020.



Honorable Asha V. Jackson
Chief and Administrative Judge
Superior Court of DeKalb County
Stone Mountain Judicial Circuit

IN THE STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA

JEANIE SEIDE, Individually, and as Parent
and Natural Guardian of JAZMENE HOSKINS,
ZARIYA MASSENAT, and
EXZAVIER SEIDE, Minors,

Plaintiffs,

v.

SOUTHERN CLASSIC LLC,
GREGORY BURNHAM, and
NATIONAL CASUALTY COMPANY,

Defendants.

CIVIL ACTION

FILE NO. 21A01732

**PLAINTIFFS' FIRST INTERROGATORIES, FIRST REQUEST
FOR PRODUCTION OF DOCUMENTS, AND FIRST REQUEST
FOR ADMISSIONS TO DEFENDANT GREGORY BURNHAM**

COME NOW, JEANIE SEIDE, Individually, and as Parent and Natural Guardian of JAZMENE HOSKINS, ZARIYA MASSENAT, and EXZAVIER SEIDE, Minors ("Plaintiffs"), by and through their counsel of record and pursuant to O.C.G.A. §§ 9-11-33, 9-11-34, and 9-11-36, hereby propound the following Interrogatories, Request for Production of Documents, and Request for Admissions to Defendant Driver Gregory Burnham ("Burnham") for response under oath pursuant to Rule 33, Rule 34, and Rule 36 of the Georgia Civil Practice Act and as required by law.

DEFINITIONS

As used herein, the terms listed below are defined as follows:

1. The term "**Document**" as used herein shall be given a very broad definition to include every type of paper, writing, data, record, graphic, drawing, photograph, audio recording and video recording. The term includes material in all forms, including printed, written, recorded, or other. The term includes all files, records and data contained in any computer system, computer component and/or computer storage (e.g., hard drive, disc, magnetic tape, backup

system, etc.). This term includes, but is not limited to, correspondence, reports, meeting minutes, memoranda, stenographic or handwritten notes, diaries, notebooks, account books, orders, invoices, statements, bills, checks, vouchers, purchase orders, studies, surveys, charts, maps, analyses, publications, books, pamphlets, periodicals, catalogues, brochures, schedules, circulars, bulletins, notices, instructions, manuals, journals, e-mails, e-mail attachments, data sheets, work sheets, statistical compilations, data processing cards, microfilms, computer records (including printouts, disks or other magnetic storage media), tapes, photographs (positive or negative prints), drawings, films, videotapes, hard drive recordings, pictures, and voice recordings. Plaintiffs expressly intend for the term "Document" to include every copy of such writing, etc. when such copy contains any commentary or notation whatsoever that does not appear on the original and any attachments or exhibits to the requested document or any other documents referred to in the requested document or incorporated by reference.

2. **"Person"** means any natural person, corporation, partnership, proprietorship, association, organization, group of persons, or any governmental body or subdivision thereof.

3. (a) **"Identify"** with respect to any **"person"** or any reference to stating the **"identity"** of any **"person"** means to provide the name, home address, telephone number, business name, business address, and business telephone number of such person, and a description of each such person's connection with the events in question.

(b) **"Identify"** with respect to any **"document"** or any reference to stating the **"identification"** of any **"document"** means to provide the title and date of each such document, the name and address of the party or parties responsible for the preparation of each such document, the name and address of the party who requested or required the preparation of the document or on whose behalf it was prepared, the name and address of the recipient or recipients of each such document, and the names and addresses of any and all persons who have custody or control of each such document, or copies thereof.

4. **"Subject Incident"** means the collision described in the Complaint.

5. **"You"**, **"Your"**, or **"Burnham"** means Defendant Driver GREGORY BURNHAM.
6. **"Southern Classic"** means Defendant SOUTHERN CLASSIC LLC.
7. **"Similar"** shall have the meaning given in the American Heritage Dictionary, which is "showing some resemblance; related in appearance or nature; alike but not identical." As used here, the word "similar" shall not be limited as if modified by the word "substantially" and shall not mean "the same". If you limit the information provided because you use another interpretation of the word "similar," please state the interpretation you are using and reveal the nature of the information withheld.
8. The terms **"and"** as well as **"or"** shall be each construed conjunctively and disjunctively as necessary to bring within the scope of each interrogatory and request for documents all information and documents that might otherwise be construed to be outside its scope. The term **"and/or"** shall be construed likewise.
9. Whenever necessary to bring within the scope of an interrogatory or request for production of documents any information or document that might otherwise be construed to be outside its scope: (i) the use of a verb in any tense shall be construed as the use of the verb in all other tenses; (ii) the use of the singular shall be construed as the use of the plural and vice versa; and (iii) **"any"** includes **"all,"** and **"all"** includes **"any."**
10. With regard to any term used herein that is deemed by the responding party as being ambiguous or vague, a term shall be construed in its broadest sense to encompass all reasonable definitions of that term.

INTERROGATORIES

YOUR BACKGROUND INFORMATION

1.

State your full name, address, date and place of birth, and social security number. If you have ever been known by any name(s) other than the one you identify, please state each such name and for each such name explain when you were known by that name, whether you had a separate social security number and/or driver's license in that name, and explain why you changed names or went by more than one name.

2.

For each driver's license you have had in the past seven (7) years, identify the state of issue, the date of issue, the number and whether or not it was a commercial driver's license.

3.

Identify each address where you have lived in the past ten (10) years and provide the dates when you lived at each address.

4.

For each place you have worked (as an employee, independent contractor, leased driver, or otherwise) in the past fifteen (15) years, provide the following information: name of entity or person, for whom you worked; address; dates you worked there; job position; supervisor's name; and the reason you left.

5.

Identify each person you expect to call as an expert witness at trial including in your response a summary of each opinion the expert holds in regards to this case, the factual basis for each such opinion, a list of all documents and evidence of any kind provided to the expert for review and a list of all documents and evidence of any kind that support each opinion.

6.

Identify all motor vehicle collisions that you have been involved in during the past fifteen (15) years and for each collision, describe what happened; where the collision occurred; the names of the other individuals involved; who was at fault; and whether there were any injuries.

7.

If you have been arrested, charged, warned and/or cited for any violation of any ordinance, law and/or regulation in the past ten (10) years or if you have ever been convicted at any time of a felony, for each arrest/charge/warning/citation/conviction, identify the charge, jurisdiction, date, and disposition. This includes all traffic violations, licensing violations, vehicle and/or driver inspection violations, and all violations of any criminal code and law.

8.

If you have ever been disqualified from driving a motor vehicle, please describe when and under what circumstances you were disqualified.

9.

Have you had any medical condition in the past five (5) years that could affect your ability to operate a motor vehicle (including without limitation any condition affecting vision, hearing, high or low blood pressure, epilepsy, sleep issues, diabetes, nervous system issues, endocrine system issues, motor skill issues, issues with sensory abilities, sleep apnea, etc.)? If so, describe in detail each condition, who has treated you for the condition, and the nature and dates of these treatments.

10.

Have you ever been involved in any lawsuit other than the present one (excluding domestic cases)? If so, explain whether you were a Plaintiff, Defendant, or witness and identify the style, jurisdiction, date, and nature of the lawsuit.

11.

Identify all training you have received in connection with operating a commercial motor vehicle, including courses taken to obtain your driver's license and training received since obtaining your driver's license.

INSURANCE

12.

For each liability insurance policy of any kind that does or may provide any coverage on behalf of any Defendant (whether it is your policy or anyone else's policy) for damages/injuries alleged in this case and/or that is providing you a defense, provide: name of insurer; policy number; limits of coverage; the name(s) of all insureds; and state whether any insurer has offered a defense under a reservation of rights or otherwise contested coverage for the subject case.

SUBJECT COLLISION

13.

Have you communicated with any person (other than your attorneys) in any way regarding the Subject Collision at any time including but not limited to giving any prepared statement or account of the events? If so, provide the details of any such communications, statements and accounts by explaining when, where, in what form, to whom the statement or account was given and the substance of your communication, statement, or account.

14.

Identify all person(s) who you to your knowledge have or may have any personal knowledge or information regarding: the Subject Collision; the facts leading up to the Subject Collision; the investigation of the Subject Collision; any party to this action; any vehicles involved in the Subject Collision or; and/or any other incidents, claims, or defenses raised in this action. The purpose of this interrogatory is to identify all witnesses you believe may have relevant testimony of any kind in connection with this case.

15.

If you maintain that either PLAINTIFFS or anyone else not a party to this lawsuit has any responsibility of any kind for causing the Subject Collision, and/or for causing any of the damages alleged in Plaintiff's Complaint, describe in detail the basis for their responsibility and identify all person(s) who have any knowledge regarding this issue.

16.

If you consumed any alcoholic beverage, sedative, tranquilizer, stimulant, and/or other prescription and/or over-the-counter drug or medicine (whether legal or not) during the seventy-two (72) hour period immediately before the Subject Collision, identify the substance consumed, the amount consumed, the time and place of consumption and the purpose for the consumption.

MISCELLANEOUS

17.

Provide your mobile phone carrier(s) and mobile phone number(s) existing at the time of the Subject Collision, and with respect to all of the phone calls you made on your cell phone on the date of the Subject Collision, please state: the time each call was placed; the time each call ended; the person or persons with whom you spoke on each call; the phone number of the person or persons with whom you spoke with on each call; the purpose for each call; and whether you were operating the tractor involved in the Subject Collision at any time during each call.

18.

With respect to the deliveries/trips that you were scheduled to make on the day of the Subject Collision, please identify: the name and address of the delivery/trip location(s); what was to be delivered; and the time the load was to be delivered or the trip was to be completed.

19.

Explain in detail where you were and what you were doing during the seventy-two (72) hours immediately prior to and the forty-eight (48) hours immediately following the Subject

Collision. This response should include the time and location of each pick up, delivery and stop and the reason for each stop (e.g., load, unload, fuel, rest, meal, inspection, repair, other) as well as what you were doing when off duty. Identify all documents that evidence your response and all people who can substantiate your response.

20.

For the seventy-two (72) hours leading up to the Subject Collision, provide the amount of your driving hours, on-duty non-driving hours, locations during your on-duty non-driving hours, all stops you made and the reasons therefor, when and where your meals were eaten, when and where you slept and when you ingested any medications (prescription or over the counter) and the dosages.

21.

For each of Plaintiffs' First Request for Admissions addressed to you that you did not admit without qualification, explain in detail the reason for your refusal to admit and identify all persons and documents that support your response.

DOCUMENT REQUESTS

GENERAL

REQUEST NO. 1: All documents utilized by you in any way in responding to Plaintiffs' First Interrogatories to Defendant Gregory Burnham.

REQUEST NO. 2: Each liability insurance policy (and declarations page for each policy) that provides or may provide coverage for damages sustained in the Subject Collision and/or if coverage was in dispute that was in place at the time of the Subject Collision.

REQUEST NO. 3: A copy of each automobile insurance policy that you had in place at the time of the Subject Collision, which provided liability coverage for the operation of the tractor that was involved in the Subject Collision.

REQUEST NO. 4: All documents that you have exchanged with any insurance company evidencing the Subject Collision.

REQUEST NO. 5: All documents that you have exchanged with any insurance company evidencing a lack of coverage for the Subject Collision.

REQUEST NO. 6: All reservation of rights letters and/or agreements regarding insurance coverage for the claims asserted against you arising from the Subject Collision.

REQUEST NO. 7: All documents directly or indirectly provided to and received from any insurance company regarding your driving history, criminal history, claims history, training, and qualification to drive and/or your insurability for motor vehicle operations.

REQUEST NO. 8: All documents and driver training resources provided or made available to you directly or indirectly by any insurance company.

DEFENDANT SOUTHERN CLASSIC LLC

REQUEST NO. 9: All documents setting forth the relationship between you and Defendant Southern Classic LLC ("Southern Classic"). This includes, but is not limited to, all leases, employment contracts, and independent contract agreements and other contracts, agreements, memorandum, and the like.

PLAINTIFFS' FIRST INTERROGATORIES, FIRST REQUEST FOR PRODUCTION OF DOCUMENTS, AND FIRST REQUEST FOR ADMISSIONS TO DEFENDANT GREGORY BURNHAM – Page 9

REQUEST NO. 10: All payroll records from any source during the sixty (60) days before and after the Subject Collision.

REQUEST NO. 11: All documents in your possession that relate to your qualification to operate a commercial motor vehicle.

REQUEST NO. 12: All documents that relate in any way to your training to operate a commercial motor vehicle.

REQUEST NO. 13: A copy of the front and back of every driver's license issued to you (regardless of name used) in your possession, custody, and/or control.

REQUEST NO. 14: Copies of all citations, warnings, and other documents alleging that you violated any law, ordinance, and/or regulation in the last five (5) years.

REQUEST NO. 15: All documents of any kind that relate to any action (formal or informal) by any supervisor or manager or anyone working by or on behalf of Southern Classic directed to you for the purpose of teaching, counseling, disciplining, correcting, or otherwise managing you in any way relating to the safe operation of a commercial vehicle.

REQUEST NO. 16: All documents relating in any way to any motor vehicle collision and/or accident of any kind in which you were involved in the past five (5) years.

REQUEST NO. 17: All documents relating to any complaint, criticism, or concern raised by any person or entity regarding your driving performance and/or safety. This should include, but is not limited to, customer complaints and call-ins by motorists either to a company directly or to any service (i.e., How's My Driving? Call 800...).

REQUEST NO. 18: For each communication device (e.g., cell phones, PDAs, smartphones, texting and e-mailing devices, etc.) that was in the truck that you were operating at the time of the Subject Collision, produce all documents reflecting usage and billing for the time period time period beginning twenty-four (24) hours before the Subject Collision and ending twenty-four (24) hours after the Subject Collision. This includes all devices, whether owned by you or not, and whether it was in use at the time of the Subject Collision or not.

REQUEST NO. 19: All of your personnel files and employment-related files in your possession.

REQUEST NO. 20: All correspondence and other communication of any kind between you and any third party (other than your attorneys) evidencing to the Subject Collision.

SUBJECT COLLISION

REQUEST NO. 21: All documents in your possession, custody, and/or control relating in any way to the Subject Collision.

REQUEST NO. 22: All documents sent by you to any person or entity (other than your attorneys), regarding the Subject Collision and/or describing the Subject Collision.

REQUEST NO. 23: All documents evidencing each investigation done by or on behalf of Defendants evidencing to the Subject Collision of the Subject Collision.

REQUEST NO. 24: All documents that set forth any facts leading up to the Subject Collision.

REQUEST NO. 25: All documents that explain what caused the Subject Collision.

REQUEST NO. 26: All documents assessing preventability of and/or fault for the Subject Collision, as well as any documents created by any accident review board or other accident review process.

REQUEST NO. 27: All photographs, video, computer simulations, and any other documents depicting:

- a. Any vehicle involved in the Subject Collision;
- b. Any person involved in the Subject Collision;
- c. The scene of the Subject Collision; and/or
- d. Any evidence (roadway markings or other) relevant to the Subject Collision.

REQUEST NO. 28: All reports relating to the Subject Collision in your possession, custody, and/or control.

REQUEST NO. 29: All correspondence and other communications (including e-mail) that you have had with any person other than your lawyers involving the Subject Collision.

REQUEST NO. 30: All tapes and transcripts of conversations, interviews, statements, etc. of any witness, party, or any other entity whatsoever regarding any aspect of the Subject Collision, the injuries or damages resulting therefrom, or this lawsuit.

GOVERNMENTAL CONTACT AND INTERVENTION

REQUEST NO. 31: Copies of all documents sent to or received from any governmental agency regarding the Subject Collision and/or your operation of a commercial motor vehicle within the past three (3) years.

POLICIES AND PROCEDURES

REQUEST NO. 32: All handbooks and manuals provided to you by Southern Classic that were in effect at the time of the Subject Collision.

REQUEST NO. 33: All policies, procedures, rules, guidelines, directives, and instructions ever given to you by Southern Classic.

MISCELLANEOUS

REQUEST NO. 34: All documents and other materials which support any contention that the Subject Collision was the fault of anyone other than the Defendants.

REQUEST NO. 35: All diagrams, graphs, illustrations, photographs, charts, pictures, models, blow-ups, or any other document or thing, including electronically created charts, animations, or data that you intend to utilize as an exhibit, demonstrative exhibit, or aid in the trial of this case not previously supplied.

REQUEST NO. 36: All documents and things that you contend evidence, prove, and/or support your claims on any issue of negligence or causation as to the Subject Collision, including, but not limited to, admissions of fault, engineering analysis, scientific tests, and official or unofficial reports.

REQUEST NO. 37: If any surveillance has been undertaken by or on behalf of you, produce a copy of all reports, photographs, video, and anything else generated through that investigation.

REQUESTS FOR ADMISSION

- REQUEST NO. 1** Burnham is a proper party to this lawsuit.
- REQUEST NO. 2** Burnham was properly named in this case.
- REQUEST NO. 3** Burnham was properly and sufficiently served with process in this civil action.
- REQUEST NO. 4** You are not asserting the defense of insufficiency of service of process.
- REQUEST NO. 5** You are not asserting the defense of improper service of process.
- REQUEST NO. 4** Venue is proper in this Court as to you.
- REQUEST NO. 5** Jurisdiction is proper in this Court as to Burnham.
- REQUEST NO. 6** Burnham was an employee of Southern Classic at the time of the Subject Collision.
- REQUEST NO. 7** Burnham was an agent of Southern Classic at the time of the Subject Collision.
- REQUEST NO. 8** Burnham was acting within the scope of his employment with Southern Classic at the time of the Subject Collision.
- REQUEST NO. 9** Burnham was acting within the scope of his agency with Southern Classic at the time of the Subject Collision.
- REQUEST NO. 10** Admit that you were the driver of the truck that collided with Plaintiffs' vehicle on or about September 19, 2019.
- REQUEST NO. 11** Admit that you failed to maintain your lane of travel at the time of the Subject Collision.
- REQUEST NO. 12** Burnham failed to maintain proper control of his tractor at the time of the Subject Collision.
- REQUEST NO. 13** At the time of the Subject Collision, Burnham failed to keep and maintain a proper look out for traffic.
- REQUEST NO. 14** Burnham was not paying attention to traffic like he should have been.

REQUEST NO. 15 At the time of the Subject Collision, Burnham did not see Plaintiffs' vehicle next to him.

REQUEST NO. 16 Burnham gave a recorded statement to one (1) or more insurance companies that provided liability coverage for the tractor that Burnham was driving at the time of the Subject Collision.

REQUEST NO. 17 Burnham had a mobile cellular device present inside his tractor at the time of the Subject Collision.

REQUEST NO. 18 Burnham had more than one (1) mobile cellular device was present inside his tractor at the time of the Subject Collision.

REQUEST NO. 19 Burnham was using at least one (1) mobile cellular device in his tractor at the time of the Subject Collision.

REQUEST NO. 20 Burnham was using more than one (1) mobile cellular device inside his tractor at the time of the Subject Collision.

REQUEST NO. 21 Burnham was using a mobile cellular device at the moment of impact with Plaintiff's vehicle.

REQUEST NO. 22 While at the scene of the collision, Burnham conversed with at least one (1) person about what happened before, during, and/or after the Subject Collision using a mobile cellular device.

REQUEST NO. 23 While at the scene of the collision, Burnham texted at least one (1) person about what had happened before, during, and/or after the Subject Collision using a mobile cellular device.

REQUEST NO. 24 While at the scene of the collision, Burnham had a cellular mobile device or a camera that he could have used to take pictures of the scene of the Subject Collision, the vehicles involved, and/or the persons involved.

REQUEST NO. 25 While at the scene of the collision, Burnham took at least one (1) photograph of the scene of the Subject Collision, the vehicles involved, and/or the persons involved using a mobile cellular device.

REQUEST NO. 26 While at the scene of the collision, Burnham took video recording(s) using a mobile cellular device of the scene of the Subject Collision, the vehicles involved, and/or the persons involved.

REQUEST NO. 27 While at the scene of the collision, Burnham took audio recording(s) of the scene of the Subject Collision, the vehicles involved, and/or the persons involved using a mobile cellular device.

REQUEST NO. 28 No improper act of the Plaintiffs caused or contributed to the cause of the Subject Collision.

REQUEST NO. 29 No failure to act by Plaintiffs caused or contributed to the cause of Subject Collision.

REQUEST NO. 30 No improper act or failure to act on the part of any third party to this action caused or contributed to the cause of the Subject Collision.

REQUEST NO. 31 Burnham's neglect acts and/or omissions were the sole cause of the Subject Collision.

REQUEST NO. 32 Burnham's neglect acts and/or omissions were a contributing cause of the Subject Collision.

REQUEST NO. 33 No visual obstructions existed leading up to the Subject Collision that would have prevented Burnham from seeing Plaintiffs' vehicle in the five hundred (500) feet prior to the Subject Collision.

REQUEST NO. 34 No visual obstructions existed leading up to the Subject Collision that would have prevented Burnham from seeing Plaintiffs' vehicle in the seven hundred fifty (750) feet prior to the Subject Collision.

REQUEST NO. 35 No visual obstructions existed leading up to the Subject Collision that would have prevented Burnham from seeing Plaintiffs' vehicle in the one thousand (1000) feet prior to the Subject Collision.

Dated this 8th day of April, 2021.

WITHERITE LAW GROUP, LLC

/s/ J. Martin Futrell

J. MARTIN FUTRELL

GEORGIA STATE BAR NUMBER 450872

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